

BEFORE THE
SURFACE TRANSPORTATION BOARD

234967

MINNESOTA NORTHERN RAILROAD,) DOCKET NO AB-497
INC. -- ABANDONMENT) (SUB-NO 6X)
EXEMPTION -- IN POLK COUNTY, MN)

VERIFIED PETITION FOR EXEMPTION



FILED
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TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD, INC
P.O. Box 705
Crookston, MN 56716

Petitioner

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DATE FILED. October 18, 2013

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SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD,)	DOCKET NO. AB-497
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EXEMPTION SOUGHT

Pursuant to 49 U.S.C. § 10502(a), 49 C.F.R. § 1152.60, and 49 C.F.R. § 1121.1, *et seq.*, MINNESOTA NORTHERN RAILROAD, INC. (MNN) hereby petitions for an exemption from the requirements of 49 U.S.C. § 10903 for abandonment of a portion of its Ada Subdivision between Milepost 66.8 north of Beltrami and Milepost 64.0 (end of track) at or near Beltrami, a distance of 2.8 miles in Polk County, MN (the Rail Line). The Rail Line traverses through United States Postal Zip Code 56517 in Polk County, MN.

THE SUBJECT RAIL LINE

MNN acquired rail lines in northwestern Minnesota from a predecessor of BNSF Railway Company (BNSF) in 1997. Among those rail lines was the Ada Subdivision that extended approximately 34 miles between Crookston, MN and the end of track at Ada, MN (See map attached to this Petition as Appendix 1). Shaded in pink in Appendix 1 is a 17-mile segment of the Ada Subdivision between Beltrami, MN and Ada, MN that was abandoned and removed in 2007. The 2.8-mile Subject Rail Line at and near Beltrami, MN is shaded in yellow in Appendix 1. If the proposed abandonment of that Rail Line were to be approved, the Rail Line would be

sold to West Central Ag Services (WCAS), to become private industry track, and MNN would continue to provide common carrier rail service over a 14.2-mile segment of the Ada Subdivision between Crookston and Beltrami, MN

**PROPOSED CONVEYANCE OF RAIL LINE
FOR USE AS A PRIVATE INDUSTRY TRACK**

The sole shipper on the Rail Line is WCAS. WCAS ships grain from its elevator located at Beltrami. WCAS had made improvements to that elevator that enable origination of 100-car shuttle trains of grain. WCAS requires additional private track space in conjunction with loading, switching, and staging of railcars for origination of shuttle trains.

WCAS and MNN have agreed that MNN will seek authority to abandon the Rail Line as common carrier trackage and, if such abandonment is approved, MNN will convey the Rail Line to WCAS for use as private industry track. MNN would operate over the private industry track pursuant to an Industry Track Agreement with WCAS. MNN would participate in transportation of the shuttle trains between Beltrami and Crookston, MN. MNN would interchange the shuttle trains to BNSF at Crookston, MN for long haul rail transportation.

Attached to this Petition as Appendix 2 is a letter from an authorized representative of WCAS stating that WCAS does not oppose the proposed abandonment.

AN EXEMPTION FROM 49 U.S.C. § 10903 IS WARRANTED

Abandonment of a rail line requires Board approval under 49 U.S.C. § 10903. However, on petition, the Board is to exempt a proposed abandonment from the requirement of such approval if the Board finds under 49 U.S.C. § 10502(a) that application of 49 U.S.C. § 10903 to the proposed abandonment is not required to carry out the rail transportation policy of 49 U.S.C.

§ 10101, and either that the proposed abandonment is of limited scope, or that application of 49 U.S.C § 10903 to the proposed abandonment is not necessary to protect shippers from abuse of market power.

In regard to the first standard of 49 U.S.C § 10502(a), the need for regulation is to be tested against the provision(s) of the rail transportation policy that is (are) implicated by the statute from which an exemption is sought. As to abandonment under 49 U.S.C § 10903, the rail policy most directly implicated is 49 U.S.C § 10101(4) in favor of continuation of a sound rail transportation system to meet the needs of the public and the national defense. The issue is whether a conventional abandonment application is required to determine whether the abandonment should be approved or whether it is so apparent that continued operation of the line is not required for an adequate rail transportation system that abandonment can be authorized by exemption without the need for such an application.

There is an established body of case law in resolution of that issue. An exemption for abandonment is to be denied where affected shippers contest abandonment and it is not shown that the revenues from their traffic are clearly marginal compared to the cost of operating the involved rail line. *Gauley River Railroad, LLC -- Aband & Discon of Serv. Exempt. -- in Webster and Nicholas Counties, WV*, 1999 STB LEXIS 345 at *14 (STB Docket No. AB-559 [Sub-No. 1X], decision served June 16, 1999 at 5), *Central Railroad Co. of Indiana -- Aband Exempt -- in Dearborn, Decatur, Franklin, Ripley and Shelby Counties, IN*, 1998 STB LEXIS 121 at * 10 (STB Docket No. AB-459 [Sub-No. 2X], decision served May 4, 1998 at 9-10). However, an exemption is appropriate where shippers do not oppose abandonment, or where it is apparent that the rail carrier would operate at a substantial loss, regardless of whether shippers

oppose the exemption. *Minnesota Northern Railroad, Inc -- Aband Exempt. -- between Redland Jet and Fertile, in Polk County, MN.* 1997 STB LEXIS 294 at * 25 (STB Docket No. AB-497 [Sub-No. 2X], decision served Nov. 14, 1997 at 11-12)

In the case at hand, the sole shipper on the Rail Line does not oppose the proposed abandonment because it is a necessary step before the Line is conveyed to it as a private industry track (Appendix 2)

In that circumstance, it is evident that compliance with the abandonment application process of 49 U S C § 10903 is not necessary to carry out the transportation policy of 49 U.S.C § 10101(4) in favor of a sound rail transportation system to meet the needs of the public and the national defense. In addition, issuance of an exemption in that circumstance would further the rail policies of 49 U.S.C § 10101(3) in favor of promoting safe and efficient rail transportation; 49 U.S.C. § 10101(5) in favor of fostering sound economic conditions in transportation; 49 U.S.C. § 10101(7) in favor of reducing barriers to exit from the rail industry; and 49 U.S.C. § 10101(9) in favor of encouraging efficient rail management.

In view of WCAS's non-opposition to the proposed abandonment, it is evident that application of 49 U S C § 10903 to the proposed abandonment is not necessary to protect shippers from an abuse of market power.

In light of the absence of abuse of market power, the Board need not determine whether the proposed abandonment is of limited scope. Nevertheless, it is clear that the proposed abandonment of only 2.8 miles of rail line is of limited scope especially where, as here, the Rail Line would be conveyed to a shipper for continued operation as a private industry track.

Inasmuch as the evidence warrants the findings required by 49 U.S.C. § 10502(a), the Board should grant the proposed exemption

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

A draft Environmental and Historic Report is attached to this Petition as Appendix 3. The Report forms the basis for a finding that the proposed abandonment would not have a significant adverse effect on the quality of the human environment nor on the preservation of historic resources. Comments of agencies on whom the Report was served are attached to this Petition as Appendix 3-A.

EMPLOYEE PROTECTION

The Board should impose the employee protective conditions in *Oregon Short Line R Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979), as a condition to approval of the proposed abandonment

FEDERALLY-GRANTED RIGHT-OF-WAY

It appears that the Rail Line contains federally-granted right-of-way. Details would be provided on request.

DRAFT FEDERAL REGISTER NOTICE

The draft Federal Register notice is attached to this Petition as Appendix 4

NEWSPAPER NOTICE

A copy of a notice published in a newspaper of general circulation in Polk County, Minnesota is attached as Appendix 5

VERIFICATION

Attached to this Petition as Appendix 6 is a verification of Mr. Lee Latt in behalf of MNN.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should grant an exemption for abandonment of a portion of MNN's Ada Subdivision between Milepost 66.8 north of Beltrami and Milepost 64 0 (end of track) at or near Beltrami, a distance of 2.8 miles in Polk County, Minnesota.

Respectfully submitted,

MINNESOTA NORTHERN RAILROAD, INC
P.O. Box 705
Crookston, MN 56716

Petitioner

Thomas F. McFarland

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DATE FILED October 18, 2013

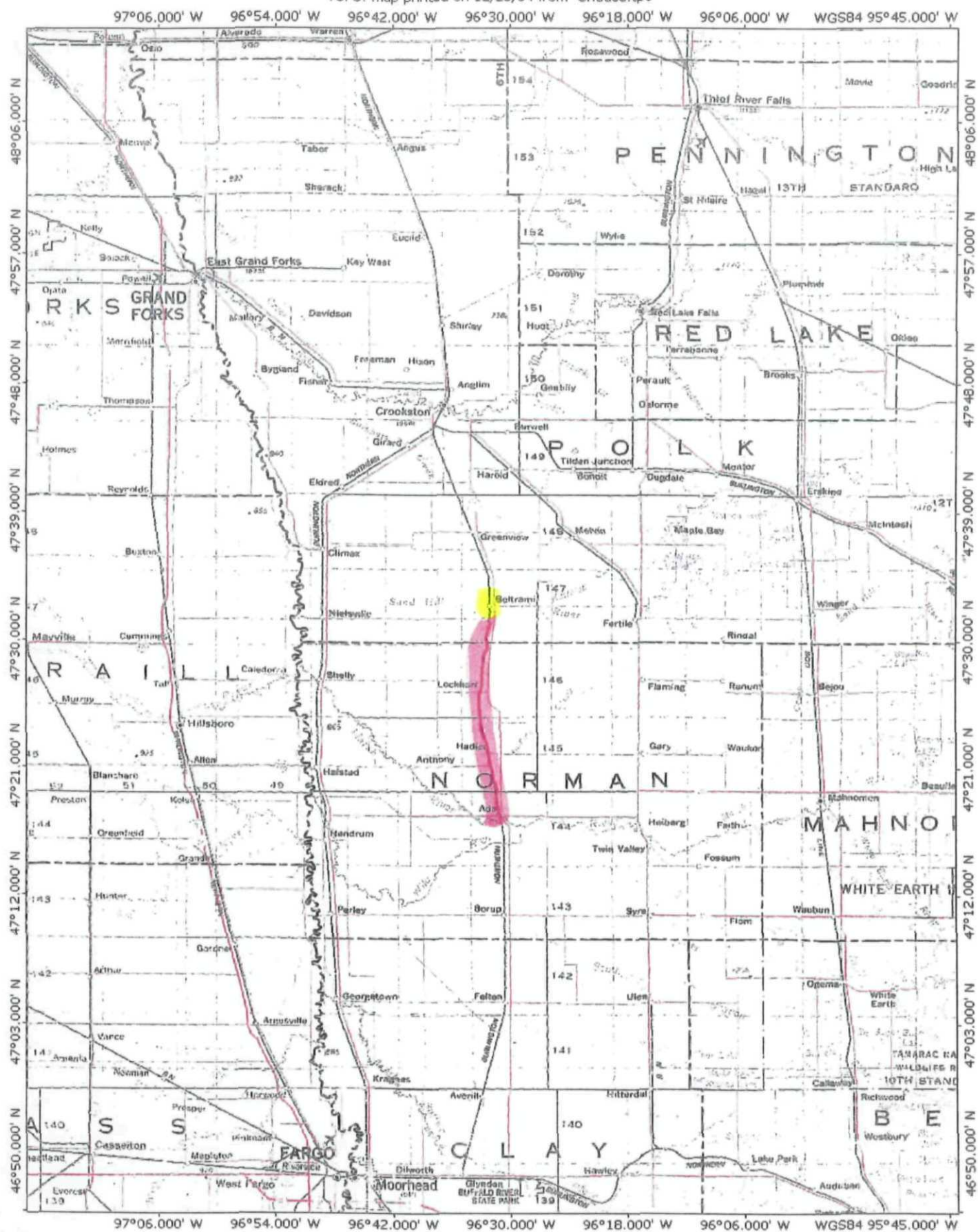
Verified Petition for Exemption

Appendix 1

(Map)

APPENDIX 1

TOPOI map printed on 12/23/04 from "Untitled.tpo"



Map created with TOPOI® ©2003 National Geographic (www.nationalgeographic.com/topo)

Verified Petition for Exemption

Appendix 2

(Letter of support from WCAS)



www.westcentralag.com

September 27, 2013

Ms Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW, Room 1034
Washington, DC 20024

Re: AB-497 (Sub-No. 6X), Minnesota Northern Railroad, Inc. – Abandonment Exemption –
in Polk County, MN

Dear Ms. Brown:

West Central Ag Services understands that Minnesota Northern Railroad, Inc. will be filing a Petition of Exemption with the Surface Transportation Board which would authorize abandonment of the rail line that provides rail service to the grain and agronomy facilities of West Central Ag Services at Beltrami, Minnesota. West Central Ag Services is not opposed to the proposed abandonment as Minnesota Northern Railroad, Inc. has agreed the rail line will remain in place after abandonment as private industry track owned by West Central Ag Services.

If you have any questions and/or concerns please feel free to contact me at the address or phone number listed below

Thank you.

Sincerely,

Jesse McCollum, CEO
West Central Ag Services

Verified Petition for Exemption

Appendix 3

(DEHR)

LAW OFFICE
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THOMAS F. MCFARLAND

August 6, 2013

Natural Resources Conservation Service
Natural Resources Conservation Service
375 Jackson Street, Room 600
St. Paul, MN 55101-1854

Minnesota Historical Preservation Office:
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

U.S. Fish & Wildlife Service:
U.S. Fish & Wildlife Service - Region 3
One Federal Drive
BIIW Federal Building
Fort Snelling
Twin Cities, MN 55111

Minnesota State Clearinghouse:
c/o Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Minnesota Pollution Control Agency:
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Minnesota Department of Transportation:
Minnesota Department of Transportation
Transportation Building
395 John Ireland Blvd
St. Paul, MN 55155

U.S. Army Corps of Engineers
U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

Environmental Protection Agency
(regional office):
U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd
Chicago, IL 60604-3590

National Oceanic & Atmospheric Admin.:
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

City Planner:
Ms. Jeanette Larson
City Clerk
City of Beltrami, MN
P.O. Box 6
Beltrami, MN 56517

County Commissioners:
Polk County Commissioners
612 North Broadway
Crookston, MN 56716

National Park Service:
National Park Service
Mr. William D. Shaddox
Chief, Land Resources Division
1849 C Street, N.W., #MS3540
Washington, DC 20240

Re: STB Docket No. AB-497 (Sub-No. 6X), *Minnesota Northern Railroad, Inc. --
Abandonment Exemption -- in Polk County, MN*

THOMAS F. MCFARLAND

August 6, 2013

Page 2

Dear Agency or Governmental Representative

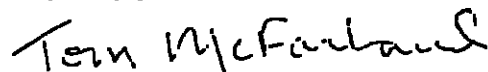
On or about August 30 2013, Minnesota Northern Railroad, Inc (MNN) intends to file a Petition for Exemption for abandonment of a portion of its Ada Subdivision between Milepost 66.8 north of Beltrami and end of track at Milepost 64 0, a distance of 2 8 miles in Polk County, Minnesota.

Attached is an Environmental and Historic Report describing the proposed action and any expected environment and historic effects, as well as a map of the affected area.

This Report is being provided so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423, 202-565-6211 and refer to the above Docket No AB-497 (Sub-No 6X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

Very truly yours,



Thomas F. McFarland

TMcf:kl,enc.1/606Urdehr

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD, INC. --)
ABANDONMENT EXEMPTION --)
IN POLK COUNTY, MN)

DOCKET No.
AB-497 (Sub-No 6X)

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

MINNESOTA NORTHERN RAILROAD, INC.
P.O. Box 705
Crookston, MN 56716

Petitioner

THOMAS F McFARLAND
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(312) 236-0204

Attorney for Petitioner

Date Submitted: August 6, 2013

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD, INC --))	DOCKET No
ABANDONMENT EXEMPTION --)	
IN POLK COUNTY, MN)	AB-497 (Sub-No 6X)

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to 49 C.F.R. § 1105.7 and 1105.8, MINNESOTA NORTHERN RAILROAD, INC., (MNN) hereby files this Draft Environmental and Historic Report.

I. Environmental Report

MNN hereby submits the following information required by 49 C.F.R. § 1105.7(e):

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The proposed action is a Petition under 49 U.S.C. § 10502(a) and 49 C.F.R. § 1152.60 for an exemption from 49 U.S.C. §§ 10903 and 10904 that would permit MNN to abandon its common carrier rights and obligations in regard to a portion of its Ada Subdivision rail line between Milepost No 66.8 north of Beltrami and Milepost 64.0 (end of track) at or near Beltrami, a distance of 2.8 miles in Polk County, MN ("the Rail Line"). The Rail Line is shaded in yellow on a map that is attached to this Report as Appendix 1. The rail line that is shaded in pink on Appendix 1 is a former portion of the

Ada Subdivision between Beltrami and Ada, MN that was abandoned and removed in 2007.

By virtue of 49 C.F.R. § 1105.6(b)(2) and 49 C.F.R. § 1105.8(a), MNN is required to file this Environmental and Historic Report. However, the proposed abandonment will not have an environmental or historic effect because if an exemption authorizing abandonment were to be issued, the track materials in the Rail Line would not be removed. Instead, the Rail Line would be conveyed to West Central Ag Services (WCAS), who is the sole shipper on the Rail Line. WCAS requires control of the Rail Line in conjunction with its growing rail-related operations. WCAS would continue to operate the Rail Line as a private industry track. Thus, rail service will continue to be provided over the Rail Line regardless of whether the Petition for Exemption is granted. Abandonment of the Rail Line under those circumstances would have no environmental or historic effect. There are no reasonable alternatives to the proposed action. A map showing the Rail Line shaded in yellow is attached as Appendix 1.

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed exemption will have no effect on regional or local transportation systems and patterns. In the event of abandonment, rail traffic of WCAS would continue to be transported by rail over the Rail Line. There would be no diversion of rail traffic to other modes.

(3) Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed exemption will not be inconsistent with local or regional land use plans. Rail traffic would continue to be transported over the Rail Line in the event of abandonment. In accordance with the requirements of this regulation, MNN has consulted by letter with the planning agencies of the City of Beltrami, MN and Polk County, MN. See letter attached as Appendix 2.

(3) (ii) *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

The proposed exemption would not have any effect on prime agricultural land. Rail operations would continue over the Rail Line. Therefore, abandonment of the Rail Line would not have any effect on prime agricultural land. In accordance with this regulation, MNN has consulted by letter with the Natural Resources Conservation Service, formerly known as the U.S. Soil Conservation Service (Appendix 2 hereto). Any response will be furnished to the Board's environmental section.

(3) (iii) *If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

The proposed exemption does not affect land or water uses in a designated coastal zone.

(3) (iv) *If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

The right-of-way would not be suitable for alternative public use because it would continue to be used as an industry track in the event of abandonment.

(4) *Energy. (i) Describe the effect of the proposed action on transportation of energy resources.*

The proposed exemption will have no effect on transportation of energy resources.

(4) (ii) Describe the effect of the proposed action on recyclable commodities

The proposed exemption will have no effect on recyclable commodities.

(4) (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed exemption will have no effect on overall energy efficiency.

(4) (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year, or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec 1105.7(e)(4)(iv) is required

Not applicable

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross tons miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by car load activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply

Not applicable

(5) (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross tons miles annually) or an increase of at least three trains a day on any segment of the rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity) or (C) An average increase in truck traffic of more than 10 per cent of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Not applicable

(5) (iii) *If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity, the frequency of service, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

Not applicable

(6) *Noise If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause (i) An incremental increase in noise levels of three decibels Ldn or more.*

Not applicable

(6) (ii) *An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed*

Not applicable

(7) *Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

The proposed exemption will have no effect on public health and safety.

(7) (ii) *If hazardous materials are expected to be transported, identify: the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills, and the likelihood of an accident release of hazardous materials.*

Not applicable

(7) (iii) *If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and types of hazardous materials involved.*

Not applicable

(8) Biological resources (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The proposed exemption would not adversely affect endangered or threatened species or areas designated as critical habitat. In accordance with this regulation, MNN has consulted by letter with the U.S. Fish and Wildlife Service (Appendix 2)

(8) (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

The proposed exemption would not affect wildlife sanctuaries or refuges, nor National or state parks or forests.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies

The proposed exemption will be consistent with applicable Federal, State or local water quality standards. In accordance with this regulation, MNN has consulted by letter with Minnesota water quality officials (Appendix 2). Any response will be furnished to the Board's environmental section.

(9) (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether designated wetlands or 100-year flood plains will be affected. Describe the effects

Permits under section 404 of the Clean Water Act are not required for the proposed exemption. The proposed exemption will not affect any designated wetlands or 100-year flood plains. In accordance with this regulation, MNN has consulted by letter with the U.S. Army Corps of Engineers (Appendix 2). Any response will be furnished to the Board's environmental section.

(9) (iii) *State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)*

Permits under section 402 of the Clean Water Act are not required for the proposed exemption. In accordance with this regulation, MNN has consulted by letter with the U.S. Environmental Protection Agency (Appendix 2). Any response will be furnished to the Board's environmental section.

(10) *Proposed Mitigation Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

Not applicable

II. Historic Report

MNN hereby submits the following information required by 49 C.F.R. §

1105.8(d):

(1) *A U.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older are part of the proposed action.*

The required topographic map is attached to this Report as Appendix 3.

(2) *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.*

The right-of-way to be abandoned is generally 100 feet wide, except that it is generally 50 feet wide through town sites, and is 2.8 miles long. It extends generally through rural, slightly rolling terrain.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Attached to this Report as Appendix 4 are photographs of the bridges on the Rail Line.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Not known, except that the bridges are thought to be more than 50 years old.

(5) A brief narrative story of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Rail Line was originally a part of a line of the Great Northern Railway between the Canadian border near Noyes, MN and Minneapolis, MN. The Rail Line came under the ownership of BNSF Railway Company through a series of mergers. It was acquired by MNN in 1997.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic

No such documents are in MNN's possession

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic preservation Office, local historical societies or universities).

It is MNN's opinion that the bridges on the Rail Line do not meet the criteria for listing on the National Register of Historical Places, and that there is no likelihood of archeological resources or any other previously unknown historic properties in the project area. In accordance with this regulation, MNN has consulted by letter with

the Minnesota Historic Preservation Office (Appendix 2) Any response will be furnished to the Board's environmental section.

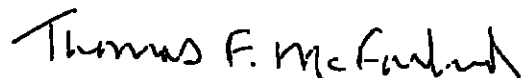
(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

MNN has no knowledge of any prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,

MINNESOTA NORTHERN RAILROAD, INC.
P O Box 705
Crookston, MN 56716

Petitioner



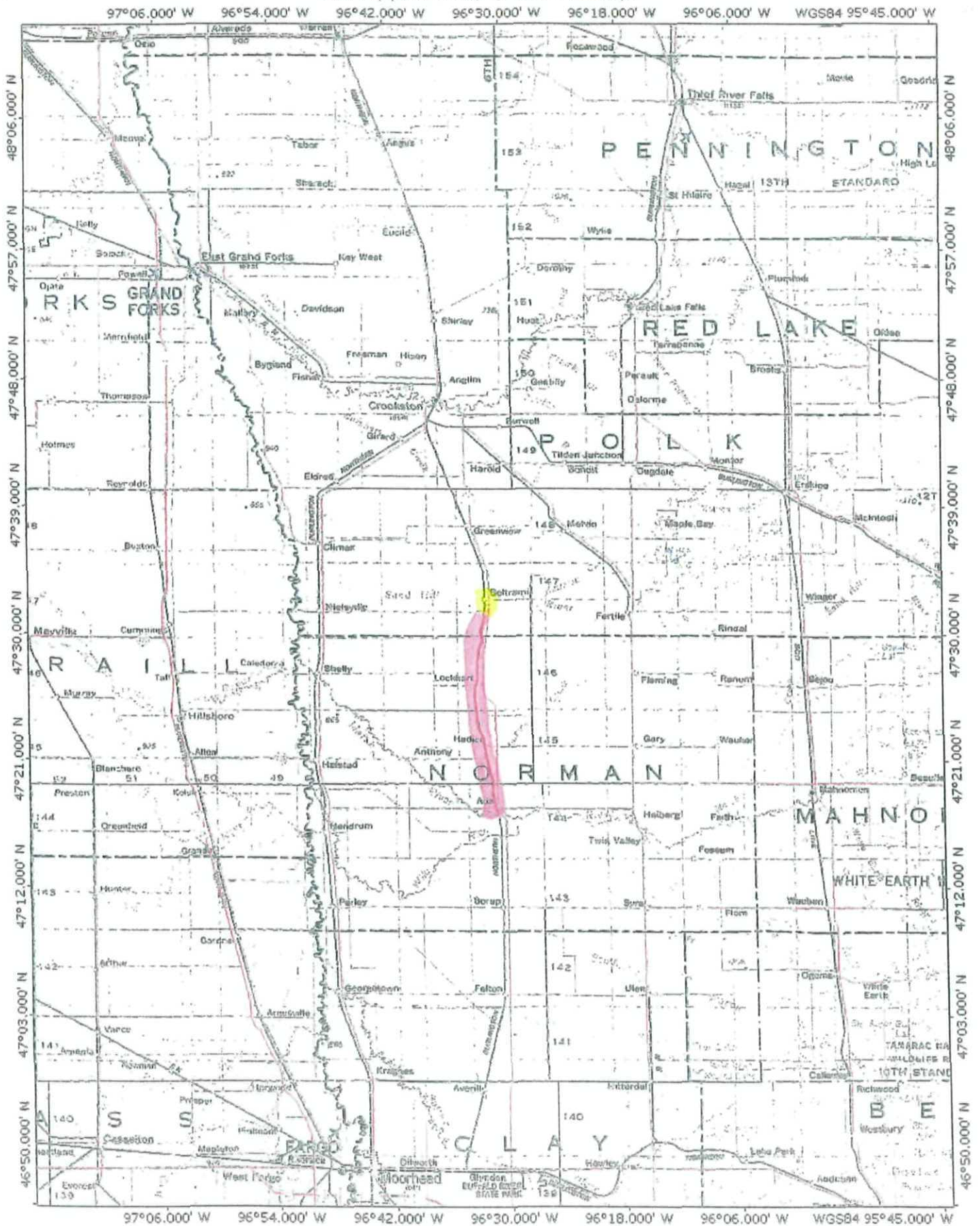
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208 South LaSalle Street, Suite 1890
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(312) 236-0204

Attorney for Petitioner

Dated Submitted: August 6, 2013

APPENDIX 1

TOPOI map printed on 12/23/04 from "Untitled.tpo"



APPENDIX 2

LAW OFFICE
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THOMAS F. MCFARLAND

August 2, 2013

Natural Resources Conservation Service:

375 Jackson Street, Room 600
St. Paul, MN 55101-1854

Minnesota Historical Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St. Paul, MN 55102-1906

US Fish & Wildlife Service - Region 3:

One Federal Drive
BIIW Federal Building
Fort Snelling
Twin Cities, MN 55111

Minnesota State Clearinghouse

c/o Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Minnesota Pollution Control Agency:

520 Lafayette Road
St. Paul, MN 55155-4194

Minnesota Department of Transportation:

Transportation Building
395 John Ireland Blvd.
St. Paul, MN 55155

US Army Corps of Engineers:

190 Fifth Street East
St. Paul, MN 55101-1638

US Environmental Protection Agency
Region 5:

77 West Jackson Blvd
Chicago, IL 60604-3590

National Oceanic & Atmospheric Admin

National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Ms. Jeanette Larson

City Clerk
City of Beltrami
P O Box 6
Beltrami, MN 56517

County Commissioners:

(for County Planners)
Polk County
612 North Broadway
Crookston, MN 56716

Mr. William D. Shaddox:

National Park Service, Land Resources Dir.
1849 C Street, N.W. # MS 3540
Washington, DC 20240

Re Surface Transportation Board Docket No. AB - 497 (Sub-No. 6X)
Minnesota Northern Railroad, Inc. - Abandonment
Exemption - in Polk County, MN

Dear Agency or Governmental Representative

THOMAS E. MCFARLAND

August 2, 2013

Page 2

Minnesota Northern Railroad, Inc (MNN) plans to file a Petition with the Surface Transportation Board (STB) in the near future for an exemption permitting abandonment of a portion of its Ada Subdivision between milepost No 66.8 north of Beltrami and milepost No 64 0 (end of track) at or near Beltrami, a distance of 2.8 miles in Polk County, Minnesota ("the Rail Line"). The Rail Line is shaded in yellow on a map that is attached to this letter as Appendix 1.

Although MNN is filing this Environmental and Historic Report as required by law, abandonment of this 2.8-mile rail line at and near Beltrami, Polk County, MN will have no environmental or historic effect because the rail and track materials in the rail line will not be removed in the event of abandonment. Instead, if abandonment were to be approved, the sole shipper served by the rail line, West Central Ag Services (WCAS), will acquire the rail line as a private industrial track, and rail service will continue to be provided over the rail line by WCAS, or by MNN pursuant to a contract with WCAS.

Pursuant to STB regulations at 49 C.F.R. 1105.7, this letter is to request your assistance in identifying potential environmental and historic effects of the proposed abandonment. MNN does not anticipate any adverse environmental or historic impacts, however, if you identify any such adverse impacts, please describe any action that could be taken to mitigate such adverse impacts. Please provide a written response to this letter so that it can be included in a Draft Environmental and Historic Report that MNN will prepare and file with the STB.

THOMAS F MCFARLAND

August 2, 2013

Page 3

COUNTY AND CITY PLANNING AGENCIES. Please state whether the proposed abandonment would be consistent with existing land-use plans. Describe any inconsistencies

US SOIL CONSERVATION SERVICE Please state the effect of the proposed abandonment on any prime agricultural land.

US FISH AND WILDLIFE SERVICE Please state (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat and, if so, please describe such effects; and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects

STATE WATER QUALITY OFFICIALS. Please state whether the proposed abandonment would be consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies

US ARMY CORPS OF ENGINEERS Please state (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed abandonment, and (2) whether any designated wetlands or 100-year flood plains would be affected by the proposed abandonment. Please describe any such effects

THOMAS F. MCFARLAND

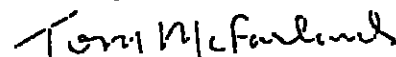
August 2, 2013
Page 4

US AND STATE ENVIRONMENTAL PROTECTION AGENCIES (OR EQUIVALENT AGENCY). Please (1) identify any potential adverse environmental effects of the proposed abandonment on the surrounding area, and (2) identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U S C 1342) are required for the proposed abandonment

STATE HISTORICAL PRESERVATION OFFICE. Please identify any known bridges and/or other structures located on the Rail Line that are 50 years old or older, and which are historically significant. Please state whether the proposed abandonment would have an adverse effect on such bridges and /or structures and, if so, please describe efforts that can be taken during removal of the tracks in the Rail Line to mitigate any such adverse effects

Please send your reply to me as MNN's attorney to Thomas F McFarland, 208 South LaSalle Street, suite 1890, Chicago, IL 60604 You may reach me by telephone at (312) 236-0204 if you have any questions or need further information MNN appreciates your assistance in furnishing a reply to this letter.

Sincerely



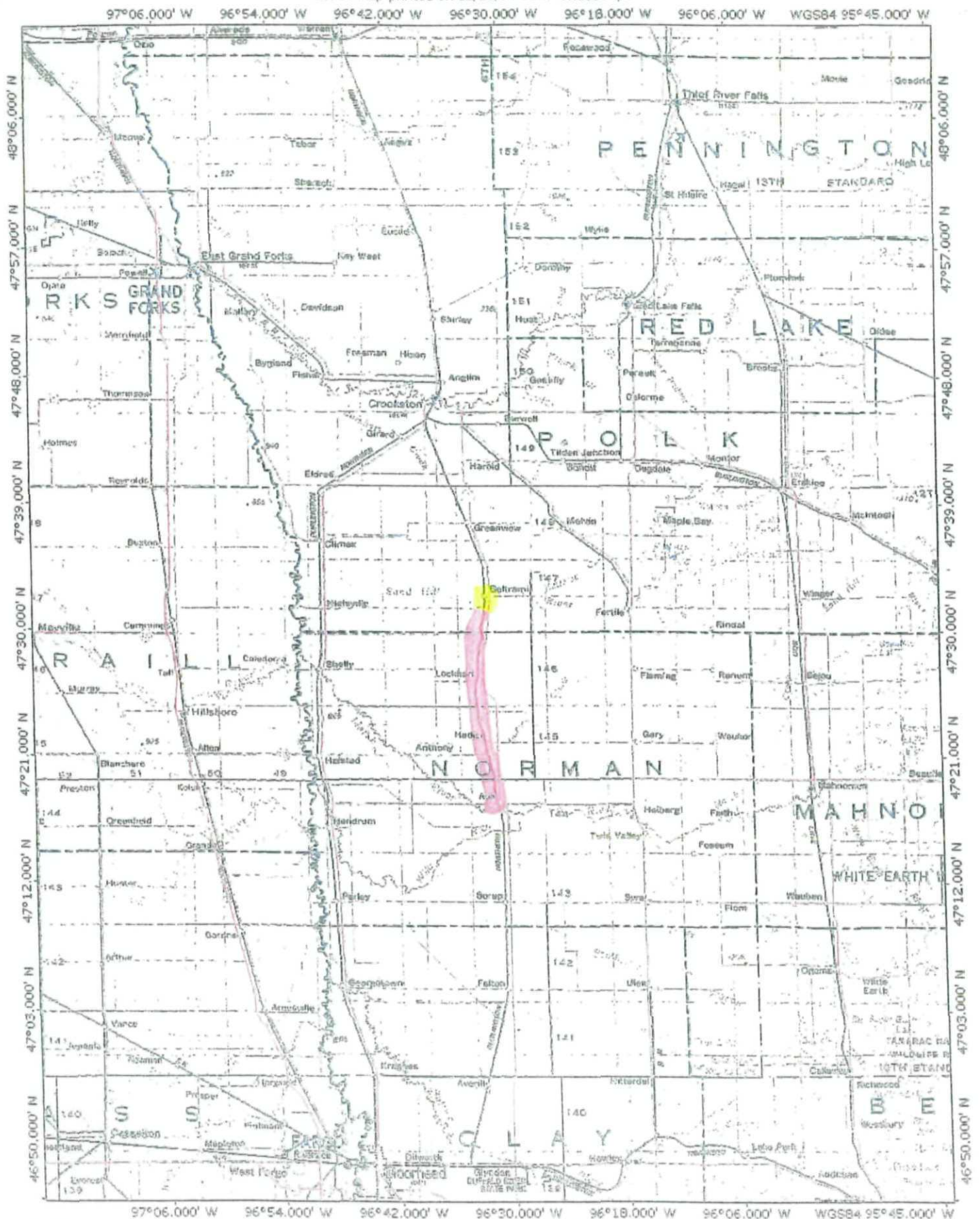
Thomas F. McFarland
Attorney for Minnesota
Northern Railroad, Inc

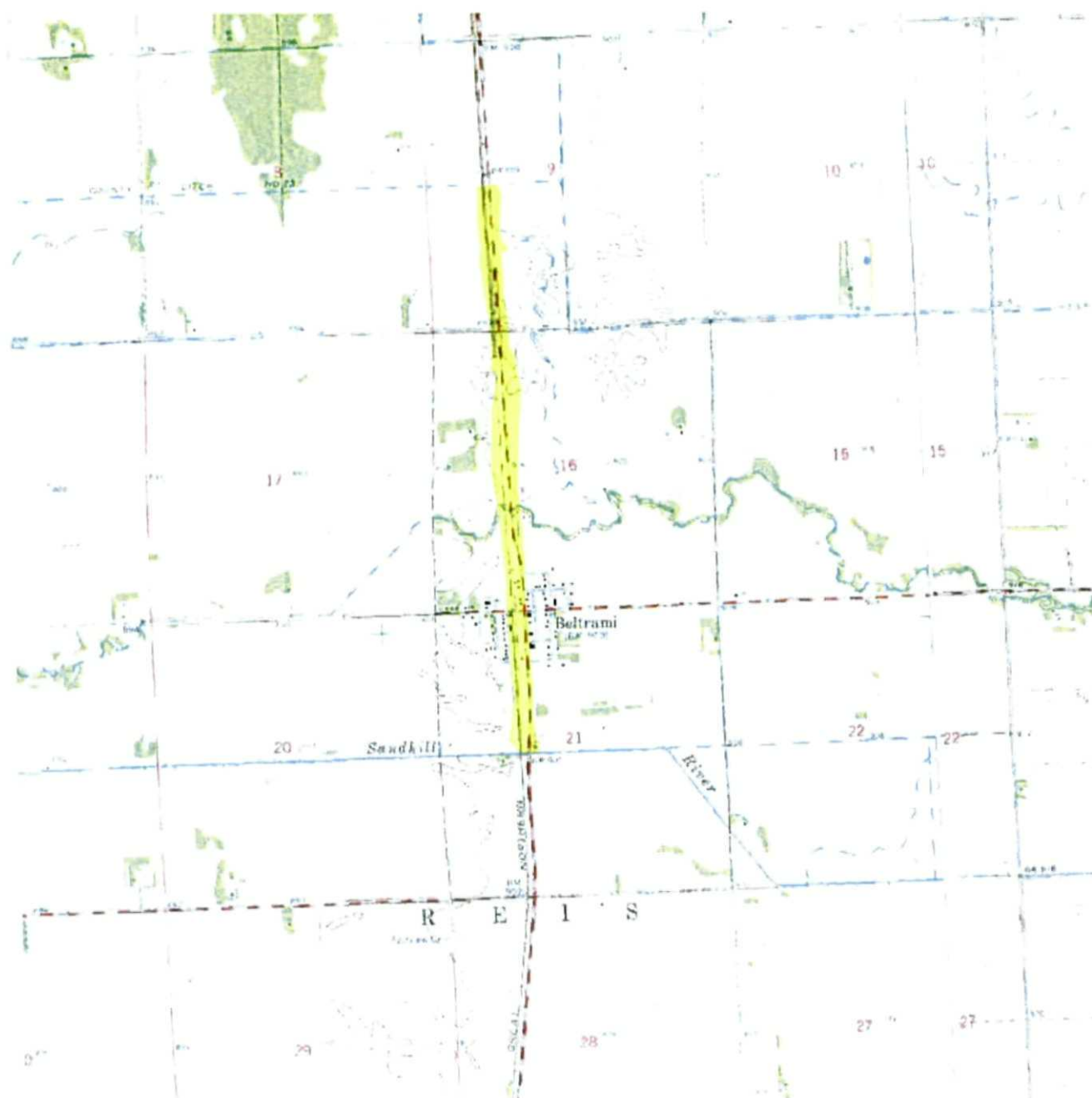
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cc Mr. Lee Latt

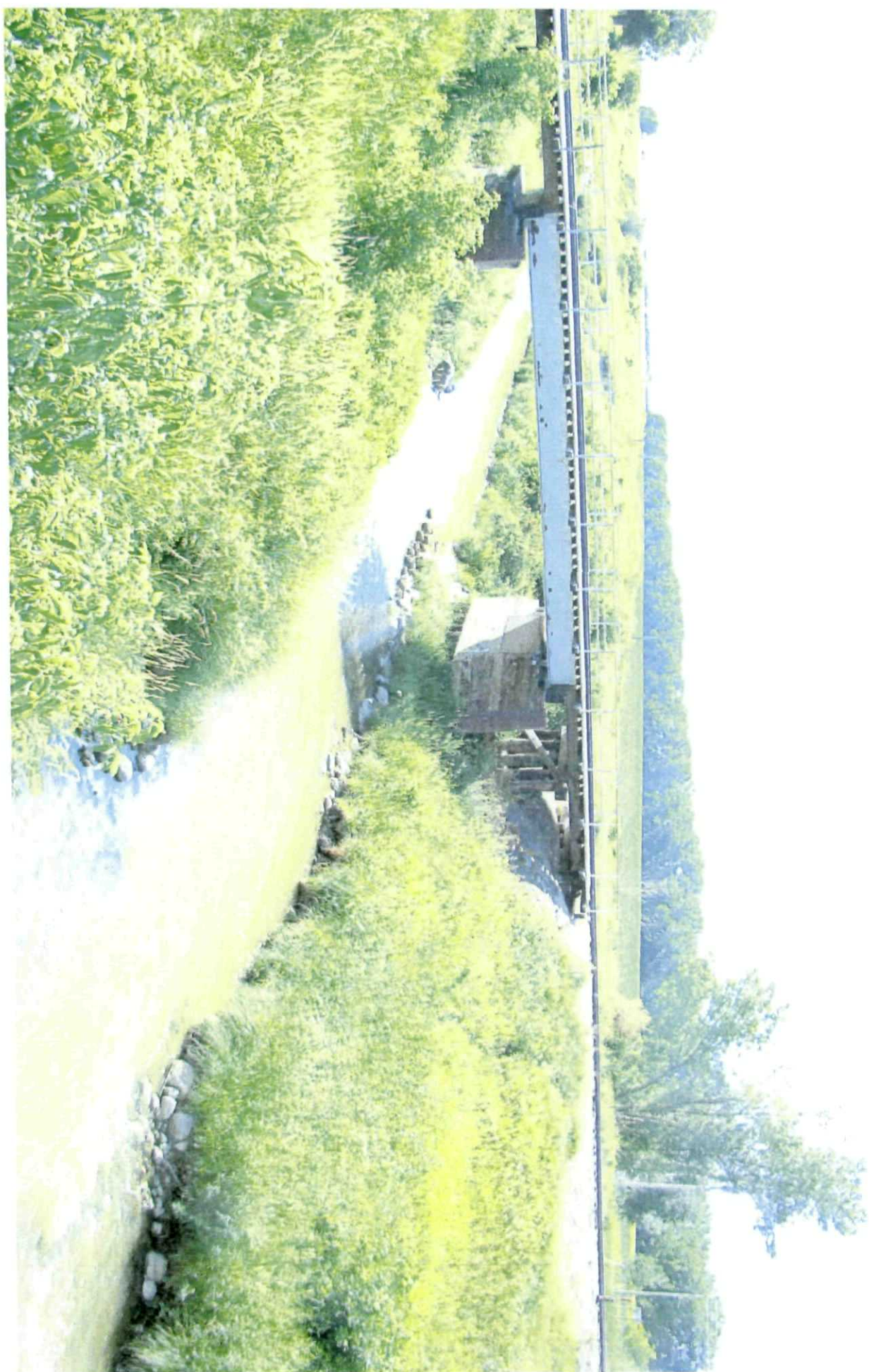
APPENDIX 1

TOPOI map printed on 12/23/04 from "Untitled.tpo"

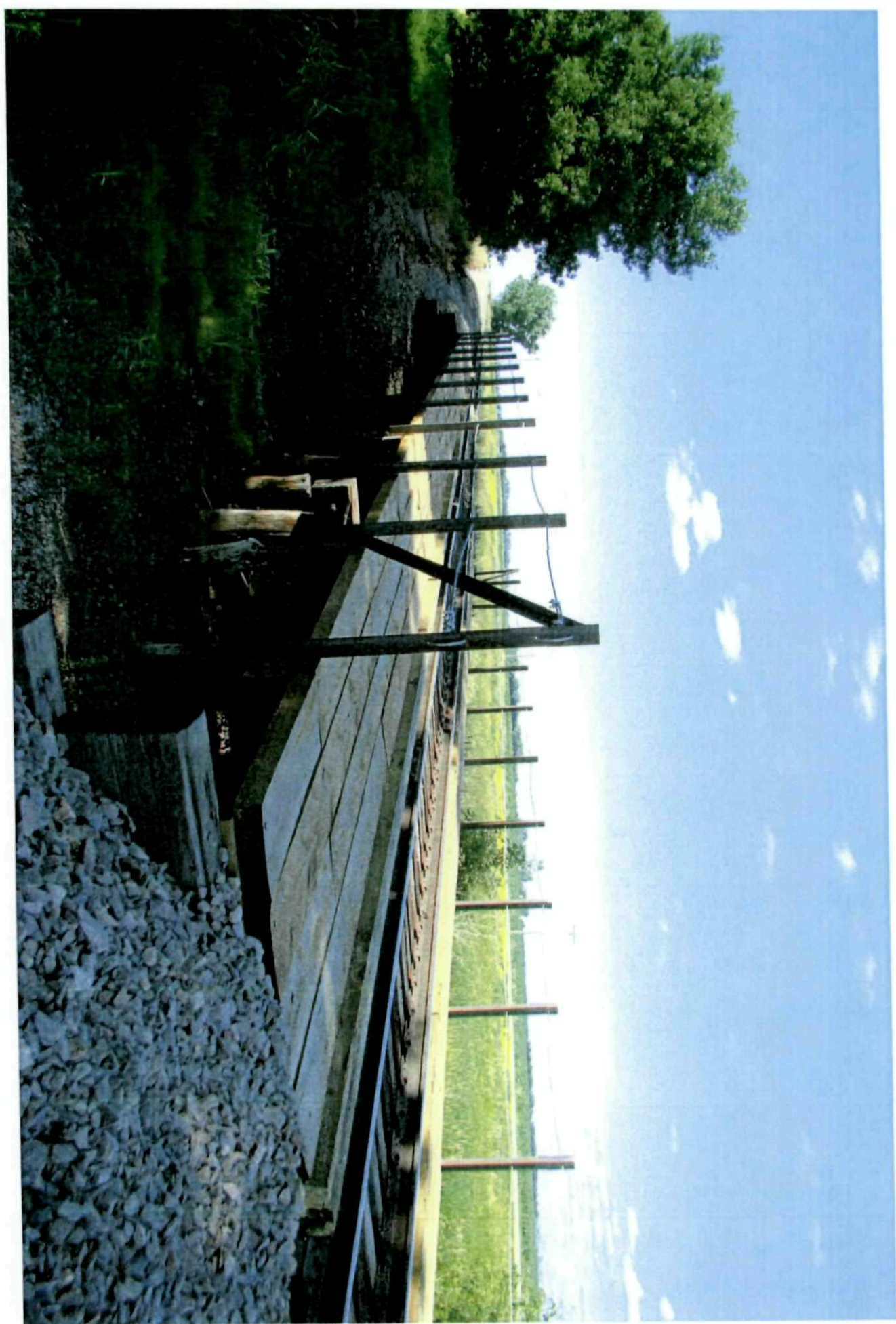




APPENDIX 4







Verified Petition for Exemption

Appendix 3-A

(Responses to DEHR)



STATE HISTORIC PRESERVATION OFFICE

Using the Power of History to Transform Lives
PRESERVING • SHARING • CONNECTING

RECEIVED

August 30, 2013

SEP 05 2013

McFARLAND, P.C.

Mr Thomas F McFarland, P C
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112

Re Minnesota Northern Railroad to abandon a 2.8 mile section of its Ada Subdivision
rail line between milepost No. 66.8 and milepost No. 64.0 near Beltrami
Polk County, MN
MN SHPO No. 2013-2734

Dear Mr McFarland

Thank you for the opportunity to comment on the above project. It is being reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36CFR800

This railroad, historically known as the St. Paul, Minneapolis and Manitoba Railway (Great Northern), has been determined eligible for listing in the National Register of Historic Places. We have reviewed the submitted material regarding the proposed abandonment and subsequent acquisition of this segment of rail line and have determined that the proposed project will have **no adverse effect** on historic properties. This determination is based on the fact that the rails and tracks will not be removed and that rail service will continue along this segment of rail line.

If you have any questions regarding our above comments, please contact Kelly Gragg-Johnson at (651) 259-3455

Sincerely,

A handwritten signature in cursive script that reads 'Barbara Howard'.

Barbara Howard, Deputy State Historic Preservation Officer
Minnesota State Historic Preservation Office

From: Dave Zenk - NOAA Federal <dave.zenk@noaa.gov>
To: Barke, John (DOT) (DOT) <john.barke@state.mn.us>
Cc: mcfarland <mcfarland@aol.com>, Surface Transportation Board <sea@stb.dot.gov>, Lucy Hall <Lucy.Hall@noaa.gov>, Obwocha, Benard (DOT) (DOT) <benard.obwocha@state.mn.us>; Simon Monroe - NOAA Federal <simon.monroe@noaa.gov>
Subject: Re: NGS Response, STB Docket AB-497 (SUB NO. 006X)
Date: Tue, Aug 20, 2013 4:05 pm

John,

NGS informs me that a stretch of railroad will be abandoned along MN TH 9 in POLK County from around Beltrami to the south county line. I do not know exact limits of the abandonment.

The railroad parallels the highway from Greenview to Lockhart.

Thanks
Dave Zenk

On Tue, Aug 20, 2013 at 3:19 PM, Simon Monroe <simon.monroe@noaa.gov> wrote

Thank you for sharing your railroad abandonment environmental report for
BELTRAMI, Polk County, MINNESOTA

Approximately 03 geodetic survey marks may be located in the area
described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
consult with the National Geodetic Survey (NGS) at least 90 days prior to
beginning salvage activities that will disturb, or destroy any geodetic
station.

marks are described on the attached file. Additional advice is provided
at

<http://geodesy.noaa.gov/marks/railroads/>

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| |SL1204| 1|88/ADJUSTED|N472954.40 . |W0963212.47 . |B |G|Z 377

|

—
Dave Zenk PE, LS
Geodetic Unit, 8th Floor
395 John Ireland Blvd, MS641
St Paul, MN 55155

651-366-3523 office
651-366-3444 fax
612-414-9522 cellular

dave zenk@state mn us (state business)
dave Zenk@noaa.gov (federal business)
zenkx002@umn.edu (personal business)

From: Simon Monroe <simon.monroe@noaa.gov>
To: mcfarland <mcfarland@aol.com>
Cc: Surface Transportation Board <sea@stb.dot.gov>; dave.zenk <dave.zenk@noaa.gov>; Lucy Hall
<Lucy.Hall@noaa.gov>; Simon Monroe <Simon.Monroe@noaa.gov>
Subject: NGS Response, STB Docket AB-497 (SUB NO 006X)
Date: Tue, Aug 20, 2013 3:19 pm

Thank you for sharing your railroad abandonment environmental report for
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<http://geodesy.noaa.gov/marks/railroads/>

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DEPARTMENT OF THE ARMY
ST PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST PAUL MN 55101-1678

RECEIVED

AUG 19 2013

McFARLAND, P.C.

August 13, 2013

REPLY TO
ATTENTION OF

Programs and Project Management Division
Project Management Branch (PM-B)

SUBJECT Docket No. AB-497 (Sub-No. 6X) - Minnesota Northern Railroad, Inc
Abandonment Exemption in Polk County, Minnesota

Mr. Thomas F. McFarland, P C
208 South LaSalle Street, Suite 1890
Chicago, Illinois 60604-1112

Dear Mr. McFarland:

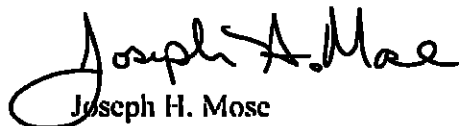
We are replying to your August 6, 2013, letter requesting comments for the Minnesota Northern Railroad, Inc. Petition for Exemption for abandonment of a portion of the Ada Subdivision between milepost 66.8 north of Beltrami and end of track at milepost 64.0 in Polk County, Minnesota.

The potential abandonment, as outlined in the Draft Environmental and Historic Report, will not affect any existing Corps of Engineers projects or real estate within the Saint Paul District Civil Works boundaries. We do not anticipate future impacts to any Corps of Engineers projects or real estate within the District's Civil Works boundaries. However, the city of Ada and the Wild Rice Watershed District are jointly constructing a non-Federal levee project at Ada, Minnesota. It is recommended that Minnesota Northern Railroad, Inc. coordinate with Kevin Ruud of the Wild Rice Watershed District to ensure the abandonment will not impact that project. Mr. Ruud can be reached by telephone at (218) 784-5501 or by mail at: ATTN: Kevin Ruud, Administrator Wild Rice Watershed District, 11 Fifth Avenue East, Ada, Minnesota 56510.

- The proposed project is located within the Saint Paul District's Regulatory jurisdiction. Any dredge or fill material deposited in waters of the United States (including wetlands, streams, etc.) requires a CWA 404 permit. The plan as submitted calls for the decommissioning of a bridge in the abandonment location and any material placed or falling into the stream from this aspect of the plan would require a permit. You should coordinate with Mr. Jeff Olson of the Saint Paul Regulatory Office concerning permitting questions. Mr. Olson can be reached by telephone at (651) 290-5311 or by mail at: ATTN:CEMVP-OP-R/Jeff Olson, Saint Paul Regulatory Office, Saint Paul District, Army Corps of Engineers, 180 East Fifth Street, Suite 700, Saint Paul, Minnesota 55101.

A copy of this letter has been furnished to Mr. Ruud of the Wild Rice Watershed District. Please note that this letter does not eliminate the need for State, local, or other authorizations, such as those of the Minnesota Department of Natural Resources

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph H. Mose". The signature is fluid and cursive, with a large initial "J" and a stylized "M".

Joseph H. Mose
Chief, Project Management Branch (PM-B)

From: Horton, Andrew <andrew_horton@fws.gov>

To: mcfarland <mcfarland@aol.com>

Subject: RE: Minnesota Northern Railroad Abandonment Exemption

Date: Fri, Sep 13, 2013 12:55 pm

I have reviewed the proposed rail abandonment located in Polk County, Minnesota and was received in our office on August 20, 2013. Dakota skipper (*Hesperia dacotae*) and Poweshiek skipperling (*Oansma poweshiek*) are located in Polk County, however, our records indicate there are no federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated. This concludes our technical assistance review of the proposed construction at the above location. If you have any further endangered species questions, please contact me at (612) 725-3548 x2208.

Andrew Horton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Twin Cities ES Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(612) 725-3548 ext. 2208

Verified Petition for Exemption

Appendix 4

(Draft Federal Register Notice)

APPENDIX 4

DRAFT FEDERAL REGISTER NOTICE PER 49 C.F.R. § 1152.60(c)

STB No. AB-497 (Sub-No. 6X), *Minnesota Northern Railroad, Inc. – Abandonment Exemption – in Polk County, MN*

Notice of Verified Petition for Exemption to Abandon Rail Service

On October 18, 2013, MINNESOTA NORTHERN RAILROAD, INC. (MNN), filed with the Surface Transportation Board, Washington, DC, a Petition for Exemption from 49 U.S.C. 10903 for abandonment of rail service of a portion of the Ada Subdivision of MNN between Milepost No. 66.8 north of Beltrami and Milepost 64.0 (end of track) at or near Beltrami, which traverses through United States Postal Service Zip Code 56517, a distance of 2.8 miles in Polk County, Minnesota

The rail line contains federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees would be protected by imposition of conditions to approval of abandonment imposed in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979)

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Verified Petition for Exemption

Appendix 5

(Newspaper notice)

**NOTICE OF INTENT TO ABANDON
RAIL LINE**

MINNESOTA NORTHERN RAILROAD, INC. (MNN) gives notice that on or about August 30, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Petition for Exemption from the requirements of 49 U.S.C. § 10903 for abandonment of a portion of its Ada Subdivision between Milepost 66.8 north of Beltrami and end of track at Milepost 64.0, a distance of 2.8 miles, in Polk County, Minnesota ("the Rail Line"). The Rail Line traverses through United States Postal Zip Code 56517 in Polk County, Minnesota. The proceeding has been docketed as STB Docket No. AB-497 (Sub-No. 6X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice for abandonment exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-565-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas I. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

Aug. 14

le144

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA,)

County of Polk.) ss.

Donald Forney being duly sworn on oath says that he now is, and during all the times herein stated has been one of the publishers and/or printers of the newspaper known as The Crookston Daily Times and has full knowledge of the facts herein stated

That for more than one year immediately prior to the publication therein of the printed Crookston Daily Times hereto attached, said newspaper was printed and published in the English language from its known office of publication within the City of Crookston, in the county of Polk, State of Minnesota, five times each week in column and sheet form equivalent in space to 450 running inches of single column two inches wide; has been issued from a known office established in said place of publication equipped with skilled workmen and the necessary material for preparing and printing the same:

Crookston Daily Times

has had in its makeup not less than twenty-five per cent of its news columns devoted to local news of interest to said community it purports to serve, the press work of which has been done in its said known office of publication; has contained general news, comments, and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 240 copies regularly delivered to paying subscribers; has been entered as second class mail matter in the local post office of its said place of publication, that there has been on file in the office of the County Auditor of said county the affidavit of a person having first hand knowledge of the facts constituting its qualifications as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said County Auditor for proofs of its said qualification

That the printed Notice hereto attached as a part hereof was cut from the columns of said newspaper; was published therein in the English language once each week for 1 successive weeks; that it was first so published on the 14th day of August, 20 13, and thereafter on Wednesday of each week to and including the 14th day of August, 20 13; and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said

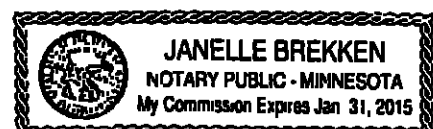
abcdefghijklmnopqrstuvwxyz 7 5 pt

abcdefghijklmnopqrstuvwxyz 7 pt

Subscribed and sworn to before me this 16th day of August, 20 13

Notary Public, Polk County, Minnesota

My commission expires 1-31-15



Verified Petition for Exemption

Appendix 6

(Verification)

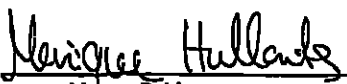
VERIFICATION

LEE LAUTT, being duly sworn, states that he is Manager of Administration of Minnesota Northern Railroad, Inc.; that he has knowledge of the factual assertions set forth in this Verified Petition of Exemption; and that all of those assertions are true and correct.


LEE LAUTT

STATE OF MINNESOTA)
)
COUNTY OF Polk)

SUBSCRIBED and SWORN to before me
this _____ day of October 15, 2013.


Notary Public

My Commission expires 1/31/16



CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2013, I served the foregoing document, Petition For Exemption, by first-class, U.S. mail, postage prepaid, on the following.

Minnesota Department of Transportation
Transportation Building
395 John Ireland Building
St. Paul, MN 55155

SDDCTEA
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreational Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

United States Department of Agriculture
Chief of the Forest Service
4th Floor NW, Yates Bldg
14th Street & Independence Ave., S.W.
Washington, DC 20250

U.S. Department of Interior
National Park Service
Land Resources Division
800 North Capitol St., N.E.
Room 540
Washington, DC 20002

Mr. D. Thomas Ross
Assistant Director
U.S. Department of Interior (Org code 2220)
Recreation and Conservation
1849 C Street, N.W.
Washington, DC 20240



Thomas F. McFarland